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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,959	10/12/2006	Herbert Smetan	20496-497	1595
42532 7590 12/29/2008 PROSKAUER ROSE LLP ONE INTERNATIONAL PLACE BOSTON, MA 02110				
EXAMINER				
LIN, KUANG Y				
ART UNIT		PAPER NUMBER		
1793				
MAIL DATE		DELIVERY MODE		
12/29/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/562,959

Applicant(s)

SMETAN, HERBERT

Examiner

Kuang Y. Lin

Art Unit

1793

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. The drawing filed on December 11, 2008 had been approved by the Examiner.
2. Claims 1-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 17, they recite "the functional units are completed directly without interruption in a continuous flow" is not clear. However, it is not clear what the meaning of "completed directly" is.

3. Claims 1-23 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for core product unit to continuous making core in unit 2, for assembling unit 3 to assemble the core and mold, for casting unit 4 to pour molten metal into the mold assembly, and for demolding unit 5b to separate the casting from the mold assembly, does not reasonably provide enablement for the cycle time of the finished cast part to be determined by the cycle time of core production. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to use the invention commensurate in scope with these claims. Applicant in page 13 of the response stated that in order to prevent accumulation or gaps in the production line 1, the speed of conveyor 13 must be determined by the rate the core production unit 2. However, as shown in the figure, there is a space between the adjacent molds carried by the conveyer 13. Thus, the speed of conveyor 13 may be varied without interrupting the constant production rate of core production unit 2. Further, there also is a space between the adjacent molds in conveyors 14, 15, 19, 20. Thus, instant speeds of those conveyors, the assembling rate

in the mold assembling unit 3, the rotating speed in rotating table 16, the casting rate in the casting station 18, the demolding rate in the demolding unit 5b may be varied without affecting the core production rate in the core production unit 2. Accordingly, the first cycle time with which the finished cast parts are output is not necessary to be determined by the second cycle time with which the casting cores are produced.

4. Applicant's arguments filed December 11, 2008 have been fully considered but they are not persuasive.

Applicant's main argument is in that since "units 2-6 are linked directly (i.e. passed through one another without interruption), the first cycle time with which the finished casting parts are output is determined by a second cycle time with which the casting core are produced." (page 11, first para. of the response). However, it is not clear how or in what manner units 2-6 are linked directly such that the rate of operation of the immediate downstream unit is determined by the rate of operation of the immediate upstream unit, i.e. how or in what manner the conveyor 14 is linked to conveyor 15, conveyor 15 to rotary table 16, rotary table to conveyor 19, conveyor 19 to conveyor 21, conveyor 21 to demolding unit 5b such that the rate of operation of the immediate downstream unit is determined by the rate of operation of the immediate upstream unit?

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuang Y. Lin whose telephone number is 571-272-1179. The examiner can normally be reached on Monday-Friday, 10:00-6:30,.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jessica L. Ward can be reached on 571-272-1223. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kuang Y. Lin/
Primary Examiner, Art Unit 1793

12-22-08